

City Council Introduction: **Monday**, October 13, 2003
Public Hearing: **Monday**, October 20, 2003, at **1:30 p.m.**

Bill No. 03-155

FACTSHEET

TITLE: **STREET VACATION NO. 03009**, requested by the Salvation Army, to vacate Potter Street between 26th and 27th Streets.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 9/17/03
Administrative Action: 9/17/03

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (8-0: Carlson, Duvall, Krieser, Larson, Marvin, Steward, Bills-Strand and Taylor voting 'yes').

FINDINGS OF FACT:

1. The purpose of the proposed street vacation is to construct a parking lot and drop-off location to be accessed from 26th Street only, for the use of the Salvation Army and Pentzer Park.
2. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3, concluding that this request is in conformance with the Comprehensive Plan.
3. On September 17, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On September 17, 2003, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan.
5. The City Clerk has determined that the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 7, 2003

REVIEWED BY: _____

DATE: October 7, 2003

REFERENCE NUMBER: FS\CC\2003\SAV.03009

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for SEPTEMBER 17, 2003 PLANNING COMMISSION MEETING

P.A.S.: Street & Alley Vacation #03009

PROPOSAL: Vacate Potter Street between 26th Street and 27th Street.

LOCATION: 26th Street & Potter Street

LAND AREA: 17,572.5 square feet, more or less.

CONCLUSION: Conforms to the Comprehensive Plan

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Potter Street between the east line of N 26th Street and the west line of N. 27th Street.

SURROUNDING LAND USE AND ZONING:

North:	P, Public	Park
South:	B-3, Commercial District	Recreation Center and Police Station
East:	R-4, Residential	Single family/two-family residential
West:	R-4, Residential	Single family/two-family residential

HISTORY:

June 2, 2003	Comp Plan Conformance No. 03002 to amend the N. 27 th St. Corridor and Environs Redevelopment Plan was approved by City Council.
June 19, 2000	The City Council declared the area within the Redevelopment Plan blighted and substandard.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan in the 2025 Comprehensive Plan indicates this area as commercial and urban residential.

Subarea Planning – The Comprehensive Plan provides broad guidance for achieving the community's stated Vision. Putting details to the Plan takes additional effort. One means of doing this is through the preparation

of subarea plans. Subarea plans offer greater details about the intended future of an area of the community — including land uses, infrastructure requirements, and development policies and standards. Many of these subarea plans are prepared by the City-County Planning Department, while some are prepared by other agencies and departments. Subarea plans from the previous (1994) Comprehensive Plan carried over as part of this Comprehensive Plan include:

- North 27th Street Corridor Plan, RDG Crose Gardner Shukert, April 1997. (F-156)

Directness - Pedestrians should be able to walk in a direct path to destinations like transit stops, schools, parks, and commercial and mixed-use activity centers. Directness is the ratio of actual distance along a sidewalk or pathway divided by the minimum distance the trip would take on a grid system. (F-90)

It is recognized that parks and open space enhance the quality of life of the community's residents and are central to the community's economic development strategy.(F-133)

The following is from the North 27th Street Corridor and Environs Redevelopment Plan

Vacate that section of Potter Street between 26th and 27th Street. The vacated section may become a private use, in conjunction with the Salvation Army located at the southwest corner of 27th and Potter, public or private parking, or an addition to Pentzer Park. (P. 26)

Guiding development principles for the north 27th Street corridor includes creating short cul-de-sacs by closing the 27th Street access to several local cross streets. (p. 21)

UTILITIES: The City of Lincoln Wastewater Division, Lincoln Electric System and Alltel all have existing facilities in the area of proposed vacation.

TRAFFIC ANALYSIS: Potter St. is a local street.

ANALYSIS:

1. The petition to vacate states the intended purpose of the vacated street is to construct a parking lot and drop-off location to be accessed from 26th Street only for the use of the Salvation Army and Park.
2. The City would retain ownership of the vacated property. The Salvation Army has agreed to relinquish their interest in the property being vacated.
3. The street vacation is in conformance with the North 27th Street Corridor and Environs Redevelopment Plan.
4. Public Works & Utilities Department does not object to the street vacation.
5. The City of Lincoln Wastewater Division, Lincoln Electric System and Alltel all have existing facilities in the area of proposed vacation. A permanent easement for the entire vacated corridor will need to be established for maintenance reasons and future construction.
6. The conversion of the right-of-way to a parking lot will require the removal and reconstruction of the Potter Street intersection with North 27th Street and the reconstruction of the North 26th and Potter St intersection as a driveway.

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prepared by:

Tom Cajka
Planner

DATE: September 3, 2003

APPLICANT: Salvation Army
2625 Potter St.
Lincoln, NE 68503
(402) 435-3035

OWNER: same as applicant

CONTACT: Richard Amick, Assistant Treasurer
Salvation Army
2625 Potter St.
Lincoln, NE 68503
(402) 435-3035

STREET VACATION NO. 03009

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

September 17, 2003

Members present: Carlson, Duvall, Krieser, Larson, Marvin, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 572F, SPECIAL PERMIT NO. 643E, SPECIAL PERMIT NO. 1939B, COUNTY MISCELLANEOUS NO. 03011, COMPREHENSIVE PLAN CONFORMANCE NO. 03009, STREET & ALLEY VACATION NO. 03009 and WAIVER NO. 03011.**

Item No. 1.3, Special Permit No. 1939B, and Item No. 1.7, Waiver No. 03011, were removed from the Consent Agenda and scheduled for separate public hearing.

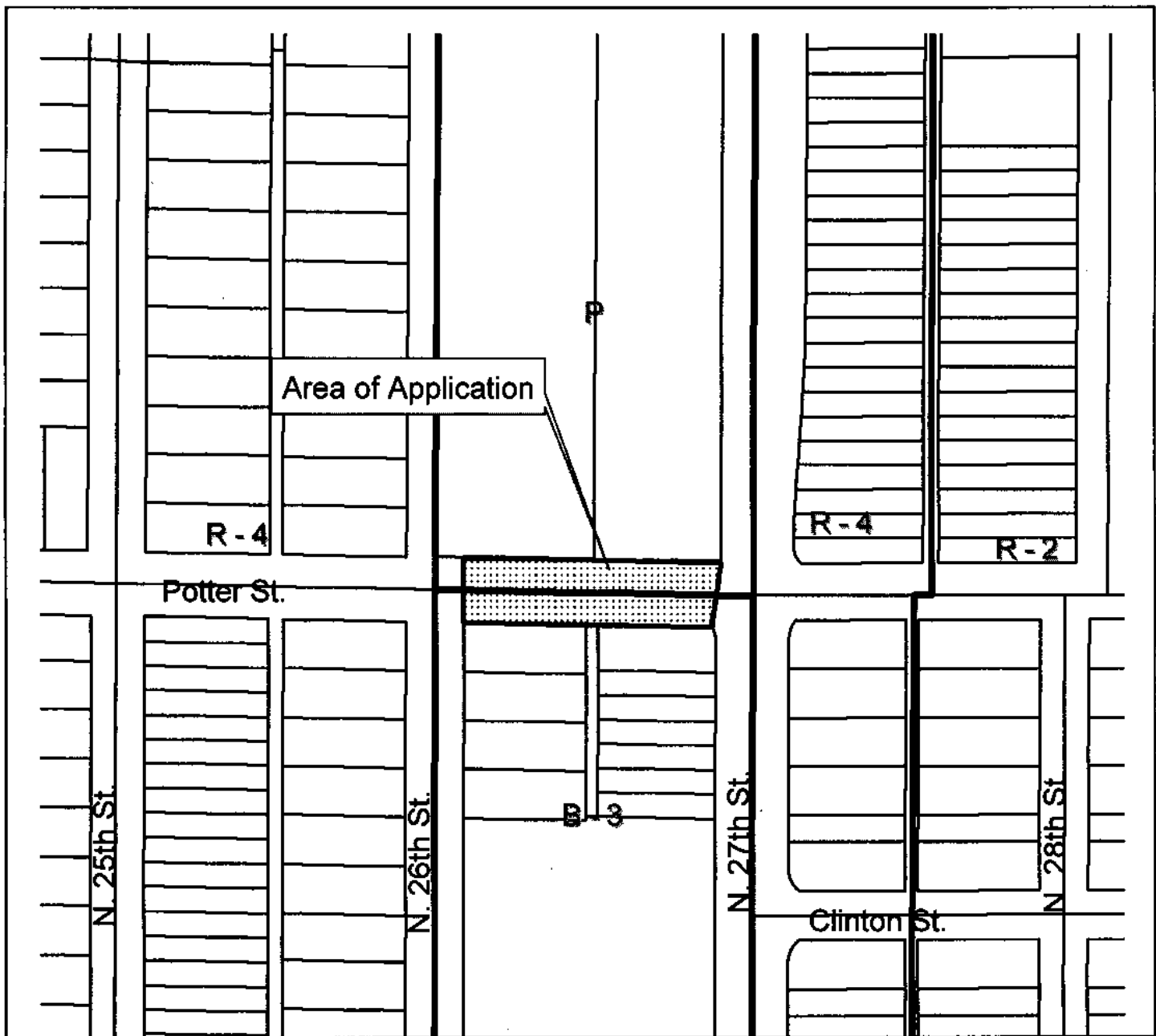
Bills-Strand moved to approve the remaining Consent Agenda, seconded by Krieser and carried 8-0: Carlson, Duvall, Krieser, Larson, Marvin, Steward, Bills-Strand and Taylor voting 'yes'.

Note: This is final action on Comprehensive Plan Conformance No. 03009 and Waiver No. 03011, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Street & Alley Vacation #03009 **Potter Street, 26th to 27th**



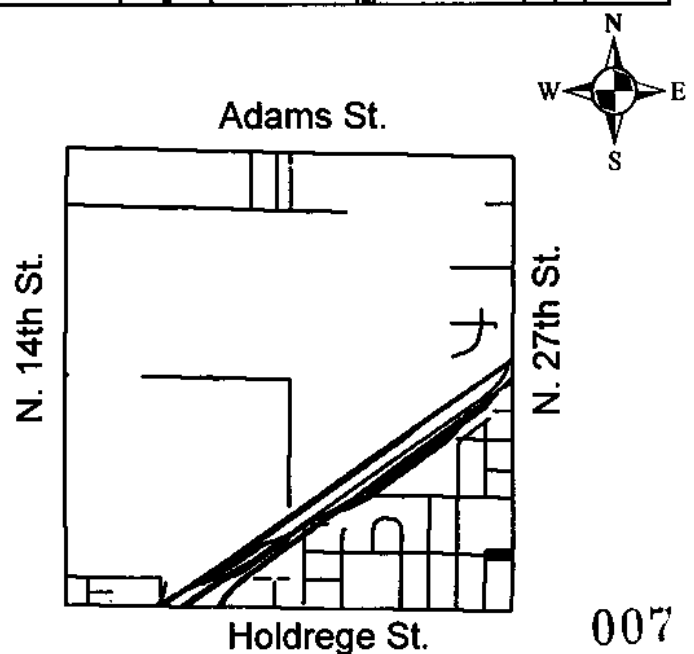
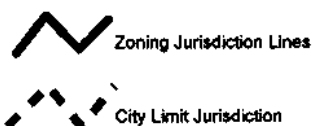


Street & Alley Vacation #03009 Potter Street, 26th to 27th

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 13 T10N R6E



007

Lincoln



Nebraska's Capital City

Mayor Coleen J. Seng

August 18, 2003

Lincoln City/Lancaster County
Planning Commission
Lincoln, NE 68508

RE: Vacating Potter Street between the East Line of North 26th Street and the West Line of North 27th Street

Dear Ladies and Gentlemen:


The Department of Public Works and Utilities has received a proper petition from Richard Amick, Assistant Treasurer of the Salvation Army, owners of Lots 1 - 4 Yates and Thompson's Subdivision of Lots 26 & 27 Fairview and Lots 1 - 7 S. P. Benadoms Subdivision, to vacate the above described public right-of-way. Vacation of Potter Street is for the construction of a parking lot and drop-off location for the Salvation Army facility. The abutting property on the north side of Potter Street is Pentzer Park owned by the City of Lincoln.

The City of Lincoln Wastewater Division, Lincoln Electric System and Alltel all have existing facilities in the area of proposed vacation. A permanent easement for the entire vacated corridor will need to be established for maintenance reasons and future construction.

The conversion of the right-of-way to a parking lot will require the removal and reconstruction of the Potter Street intersection with North 27th Street and the reconstruction of the North 26th and Potter Street intersection as a driveway.

The Department of Public Works recommends approval of this proposed vacation with the above mentioned conditions. This vacation contains an area of 17,572.5 square feet, more or less.

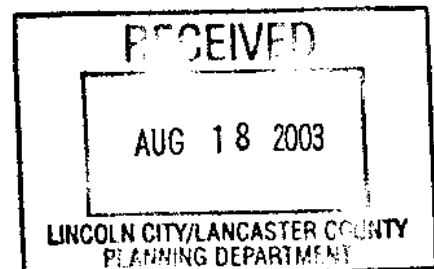
Sincerely,



Byron Blum
Engineering Services

cc: Mayor Seng
Allan Abbott
Marvin Krout
Marc Wullschleger
Roger Figard
Nicole Fleck-Tooze
Joan Ross
Clint Thomas
Dana Roper

Potter Vac Ltr tdmr.wpd



008



MEMORANDUM OF UNDERSTANDING
FOR THE PENTZER PARK PARKING LOT
(located on vacated Potter Street between 26th and 27th)

BETWEEN

**THE CITY OF LINCOLN, PARKS & RECREATION DEPARTMENT ("CITY") AND
 THE SALVATION ARMY CORPS**

The City and Salvation Army, collectively referred to as the "Parties", are entering into an Agreement as described by this Memorandum of Understanding (MOU) with respect to operation, maintenance and repair responsibilities associated with the Pentzer Park parking lot (lot located on vacated Potter Street, 26th to 27th Streets). In consideration of Salvation Army relinquishing their interest in the vacation of Potter Street, 26th to 27th:

- The City agrees as owner of parking lot to provide infrastructure maintenance, i.e.: striping and painting, asphalt and concrete repair.
- The City will maintain the area lights associated with the parking lot, i.e. light poles, light fixtures and electrical service.
- The City will do routine grounds maintenance activities, i.e. litter pickup, graffiti removal, landscape maintenance on the same schedule as Pentzer Park.
- The Salvation Army agrees to do regular snow removal in the parking lot including sidewalks to the north curb line of the parking lot.

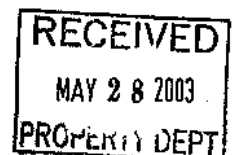
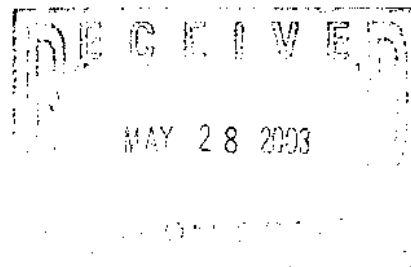
The Parties have executed this Agreement as of this 21st day of May, 2003.

The City of Lincoln, Nebraska

By: Lynn Johnson
 Director of Parks & Recreation

The Salvation Army Representative
 an Illinois corporation

By: Richard Amick
 Richard Amick, Asst. Treasurer
Harold Winkler
 Harold Winkler, Secretary





OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

9 July 2003

Ms. Joan Ross
City Clerk
555 South 10th Street, Room 103
Lincoln, NE 68508

Re: Petition To Vacate Public Way
Potter Street
OA Project No. 2002-1198

Dear Ms. Ross:

On behalf of Lynn Johnson, Director of Parks and Recreation Department, City of Lincoln, 2740 'A' Street, Lincoln, NE 68502, phone no. 441-8265, Richard Amick, Asst. Treasurer of The Salvation Army and Harold Winkler, Secretary of the Salvation Army, we are requesting to vacate a portion of Potter Street between the east line of 26th Street and the west line of 27th Street. Attached are the completed Petition To Vacate Public Way Forms and exhibit. Also attached is the Memorandum of Understanding between the two involved entities describing the ownership and maintenance of the proposed project.

Please call, if you require further information or have any questions.

Sincerely,

Chris S. Willet, E.I.

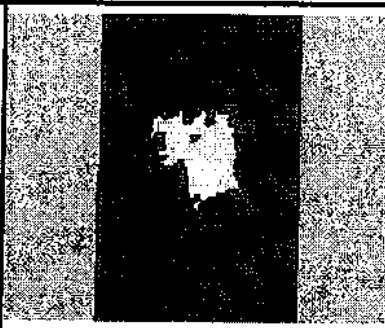
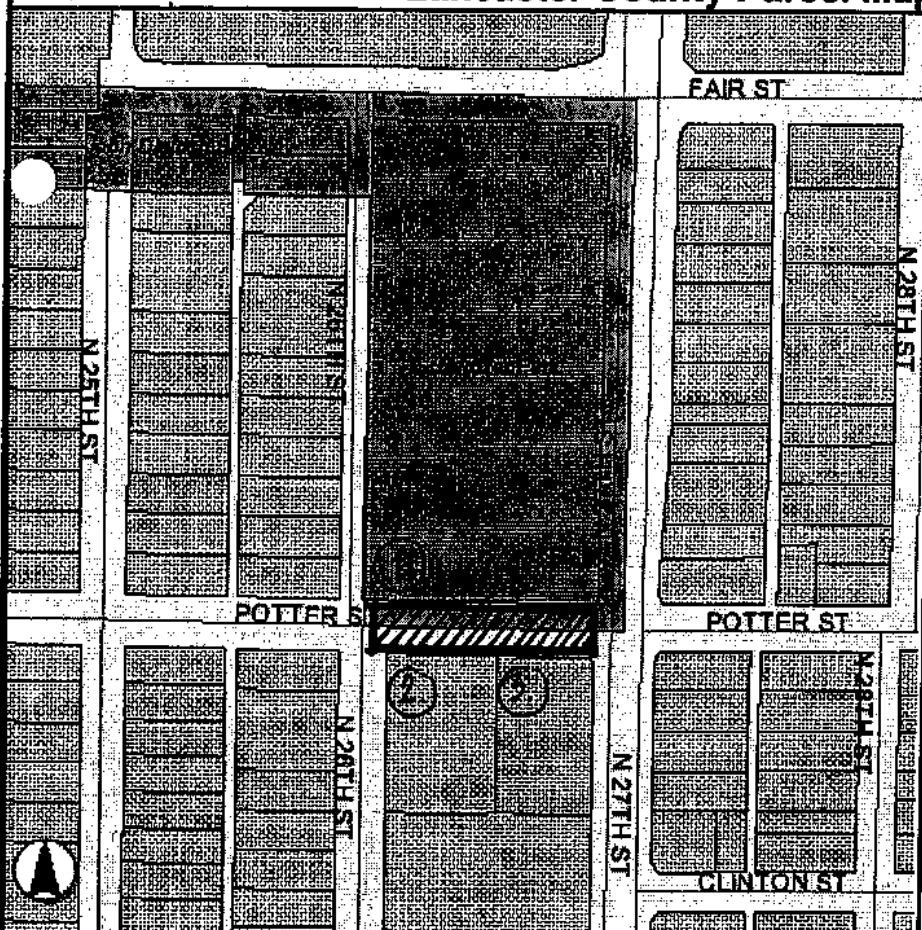
Enc.

cc Jerry Shorney, Parks Dept.
Ernie Castillo, Urban Development Dept.
Kent Henning, Salvation Army

F:\PROJECTS\2002\1198\DOC\ROSS-J.L7-8-03.DOC

Lancaster County Parcel Map

03K-8



Legend

- Lakes/Streams
- Parcels
- Streets
- Schools
- Parks
- City Limit
- County
- PUBLIC R.O.W. TO BE VACATED.

This map is intended to show as accurately as possible the relationship of parcels, but it is not intended to be construed as survey accurate in any manner.

Norman H. Agena

County Assessor/Register of Deeds

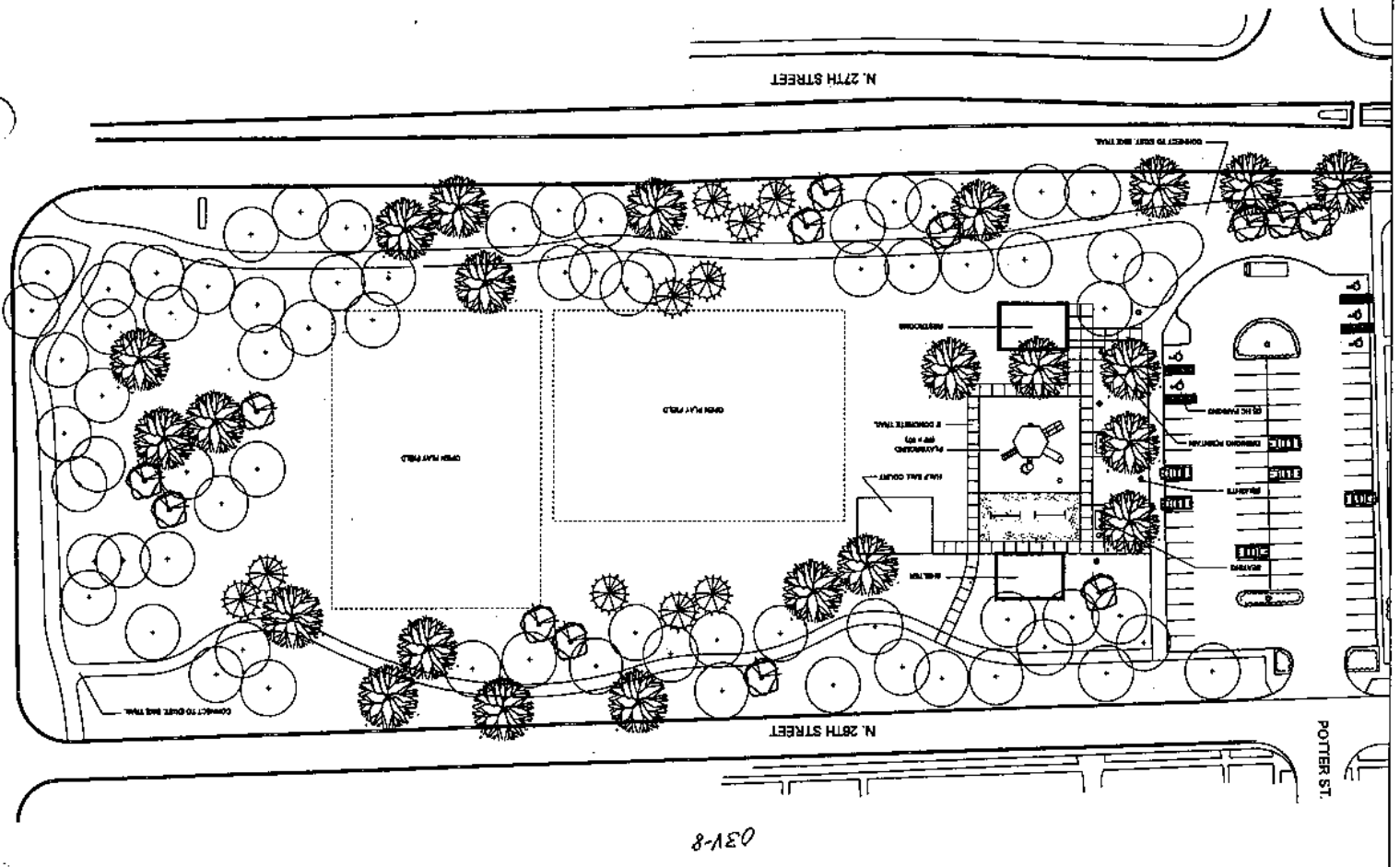
555 South 10th Street

Lincoln, NE 68508

402-441-7463

assessor@co.lancaster.ne.us

[illegible]





Ernesto Castillo

09/04/2003 09:20 AM

To: Thomas J Cajka/Notes@Notes

cc: Marc Wullschleger/Notes@Notes, Wynn S Hjermstad/Notes@Notes

Subject: Potter St. Vacation

The Urban Development Department supports the right-of-way vacation request for Potter Street between the east line of 26th Street and the west line of 27th Street.

With the addition of the Northbridge Community Center we have been working to create a safe campus atmosphere and provide additional parking between the Police Station at 27th & Holdrege Streets and Pentzer Park at 27th & Potter Streets. We have been working with Public Works, Police and Parks and Recreation and have also included representatives from the Salvation Army, Cedars and the Clinton Neighborhood Association in the planning of this project.

Please call me at 1.7855 if you have any questions.

Ernesto Castillo
Community Development Program Specialist
Urban Development Department
Phone 402.441.7855